WILMINGTON, N. C., SATURDAY, JUNE 27, 1863.

sist in a division or dispersion of any important portion of vanis or elsewhere. The great ends of the campaign will is not aware of any law exempting from militia duty opinion that the Court has jurisdiction. be kept steadi; in view, and LEE has with him a most mag- those that have put substitutes in the Confederate army,* nificent army. It may not be called "the best army on and it is now said took Gov. Vance is going to draft the Planet," but it has shown that with less than half its them for six months, upon a requisition from President force it can whip the army vauntingly so termed.

Meanwhile, and in order to create a diversion, Dix has way, for if they escape the clutches of President Davis, common law, that every Court of record of superior ju been sending up some gunboats and some transports with Gov. Vance will be certain to get them. Wonderful risdiction has power to issue the writ of Habers Corpus infantry and artillery, who have made their appearance at indeed! That they can owe the same services to two cum causa, which is the great writ of right for the prothe White House on the Pamunkey-(main branch of the sovereigns, or serve two masters, while it has always tection of the lib rties of the grant of original jurisdiction to the York) -and also at some point on the James River. This been considered that one government was subordinate an incident to every Superior Court of Record." 3 Wilwill not have the desired effect of drawing a man or a to the other, and to comply with the demands of the son, 172; 3 Bar Abr., title Habeas Corpus notes. It gun from Lee. His machine has been set in motion and former silenced those of the latter; but not so in these war arises from the obligations of the King to protect all of the operation will be carried through at all hazards, and times, although Gov. Vance is waring with President his subjects in the enjoyments of their right of personal Richmond be defended at the same time. There will be no Davis about a class of those very individuals, (those liberty, and for the purpose to inquire by his Courts inswerving or turning back.

Whatever our suspense may be, or however great it may be, it cannot last long. Great events must come, and that quickly. Of General LEE's army we are not prepared to would be within the mark. The enemy think he has one ' a commander as JOE HOOKER.

thing like twenty thousand men, and that force can never scripted again-but for State service. Curious con | well protected and secured as the personal liberty of reach Richmond, although they have pickets within twenty struction! Now, as they were already exempt under the subjects of the King of England. miles of the city, which is too near. Ten thousand men the national militia law-the Conscription Act-and can easily hold them in check.

that the West bank of the Mississippi swarms with Confederate troops, who hold Milliken's Bend (above the mouth of the Yazoo) with other important points ;-that reinforcements are passed over every night from Smith's army to JOHNSTON, and, what is even more important, that supplies are nightly sent into Vicksburg across the river. If this be so ;-if we have and can hold Milliken's Bend we can cut off GRANT'S supplies. If we can throw supplies into Vicksburg across the river, Vicksburg can hold out indefinitely : and from total loss.

Dr. Pitts' orchard, near Sumter, S. C. They are the first | Confederate Army, for the militia-man is we have seen this season. We believe Mr. WEER will act | either case from going into actual service. as the Doctor's agent this season. We tried a few and found them good, though not so good as they will be after a right attaches, on account of a consideration, no powa while. There has been too much rain lately.

We also got from Mr. Weer a couple of ears of green corn as a specimen. We should think the supply of that article would not be very large for a while, but presume

The Richmond Sentinel importingatily asks after Joseph HOOKER, commander of the Army of the Potemac, no longer known as Fighting Joseph. While Lee is advancing upon a vital point of Lincolndom. While the archives are getting ready to move. While ABRAHAM LINCOLN's Scotch cap and long cloak are being ventiliated, where is HOOKER? CLELLAN partially did at Sharpsburg.

IT IS SAID that EURNSIDE, with the forces under him, designed for an attack upon East Tennessee, has been recalled to Washington to assist in the defence of that place, so that he can neither menance our flank in Tannessec, nor send reinforcements to GRANT.

three o'clock yesterday afternoon, consequently we are act of Congress, May 8th, 1792, U.S. Digest, 1 Kent's, liberty. without any despatches. We suppose the storms or the com. 262-266. Now as President Davis is the comrains are responsible for this suspension of intercourse.

objects of the advance in the direction of Western Mary. struction of important portions of the Baltimore and Ohio if Governor Vance will show why he blows hot, and Legislature intended to give to a single Judge in vaca- late jurisdiction. The question we have before us is Railroad, which will render that work useless to the enemy for some months, certainly until the present campaign is decided. Another sudden dash may cut off the North l'enn-I ylvania Road and leave Baltimore without any direct communication with the West or Northwest, and with the North through only one avenue, that is, by way of Philadelphia It would seem that some fears are entertained for Baltimore, as fertifications are being thrown up about that city. As the point to which things have now reached they cannot long remain stationary. Events must go on with accel-

There is absolutely nothing new from Vicksburg. That stronghold stands, and that is all we can say. Our people seem to be busy out West. The hot weather seems to be their element. Perhaps some more despatches may come in this morning yet .- Daily Journal, 26th ..

"Once upon a time" there was a gentleman so fastidious grown that he went so far as to say that in the matter of flies and milk, he preferred the flies in one glass and the milk in another, so that he might mix them to suit himself. The carriers of the mail matter, to wit, the railroad and postoffice authorities seem to regard mails from the North and the South as thing to be kept apart and supplied in separate tumblers like flies and milk, for they hardly ever come together. One day we have two Northern mails and no Southern mail, and the next day we have two Southern

universal influence the slang of the time has wrought upon of value of those destroyed, with \$25 a head for all Habeas Corpus cum causa, to bring any citizen alleged davor. The plan of operations, as unfolded to us, the popular mind and tongue, and gives the following illus- prisoners captured, which is allowed to the ship as to be wrongfully imprisoned or restrained of his liberty must pay. To speak of nothing else, it strikes us that

to heaven when he died?"

Mother .- "Yes, my son, why do you ask?" Urchin .- "Bully for General Mitchell !"

It is probable that a grand collision in Maryland can hardly be postponed beyond the second week in July, and it may come off during the first. LEE and HOOKER are marching for dear life, and the latter must strike a blow for the Capital. If he don't and LEE's columns sweep round him and it both he is a gone man and his army with

To the Editor of the Examiner : Contederate bills drawing 7 30-100, or the two cents a day squadron for the C. S. Volunteer Navy? TEXAS. kind, are included in the call of the Treasurer to be carried in on or before the 1st of August, or are they looked upon

That issue gives great satisfaction, and I should regret to see it called in unless its place can be supplied as well by some other issue which now answers the holders as onds, stocks or money, making it very comfortable to the holder. When an inducement sufficient has effered for him to part with it, he calculates the interest to the moment of separation. However, I hope all will readily respond without croaking or grumbling to the call of the Treasurer.

Yours,

[They are included in the call, and rightly so.]

ENQUIRER.

The above appears in the Richmond Examiner of the 24th instant; and, with thereply of the Examiner may create uneasiness. The Examiner is mistaken. These notes are not included in the call. The 15th section of the Regalations of the Treasury Department, established for carry. ing into effect the act of Congress, approved 23rd March, 1853, entitled "An act to provide for the funding and fur. ther issue of Treasury Notes," reads thus :-

15. Treasury notes bearing interest are not exchangea-ble for bonds or stocks, being deemed already funded.

AN IMPORTANT EVENT TO HAPPEN THREE YEARS HENCE .- The date of the end of the world is satisfactornly fixed for the year 1866. There is an ancient pre- this proclamation. diction, repeated by Nostrademus in his "Centuries," which says that when St. George shall crucify the Lord, when St. Mark shall raise Him, and St. John shall assist at His ascension, the end of the world shall come.
In the year 1866, it will happen that Good Friday shall

St. John shall asDone at the City of Washington, this fifteenth day of
June, in the year of our Lord, one thousand eight hundred
and sixty-thiee, and of the independence of the United fall on St. George's day, Easter Sunday on St. Mark's States the eighty-seventh. day, and Holy Thursday, or Ascension day, will also he the Feast of St. John the Baptist.

For the Journal.

State Conscription.

ber of such men, under such a commander, to scatter any not enumerate those in the exemption bill that have put of his liberty is entitled to a remedy to inquire into the number of Lincoln's troops that can be massed under such substitutes in the Confederate army, he must therefore lawfulness thereof and to remove the same if unlawful, Dix cannot possibly send up from Fortress Monroe any- form militia duty, and of course be drafted or con- The personal liberty of our citizens must be equally as no objection to it could be suggested. It follows that as they were not specially enumerated among those lia-We see it stated upon what appears to be good authority ble to perform militia duty, would it not have been more in accordance with reason (and one Lord Coke says that the law is the perfection of reason) to have come to a different conclusion; for the legislature, when considering the clebrated ten regiment bill, who were to be strictly North Carolina troops, amendments were embracing them within the draft, and were voted down; and in construing statutes, we take the construction of the law maker-and had it been thought that they were liable to perform militia duty such needless finally, if by reinforcements from General Smith General amendments would not have been offered and such acts; Johnston's army keeps growing in Grant's rear, are penal statutes, and therefore must be construed this latter commander will soon be in a most unenviable strictly. And moreover, the militia law act of 1860-'61, position indeed-a position from which extrication will 68 section, which is unrepealed, as it does not come in prove difficult if not impossible. But in this long chain of conflict with the bill of the last Legislature, says that ifs, some link may fall, the chances are that some link whenever the Governor shall receive a requisition from will fail and Grant make his escape with severe but far the President for troops, or whenever the public safety shall require it, he may order a draft and any militia-man so drafted, who shall turnish a substituete shall be ex-THE FIRST OF THE SHARON.—We saw some boxes of the cused from going mio actual service. So the law-maimprisoned in vacation time, so the remedy would be
peaches this morning just received by Harry Webs from kers, make no distinction between Stote service and the delayed, and to provide the means of speedy inquire. THE FIRST OF THE SHARON .- We saw some boxes of fine cused from going into actual service. So the law-ma-

And there is a plain principle of law, that whenever and we are all militia, whether in the army or not, who are within the prescribed age, for we have no standing army, furnishes a substitute or pays five hundred dollars to the Confederate Government, which is required of the Quakers, &c., (is it not curious that Adjutant General Fowle did not something about these non-combatants in his order, for they are not enumerated in the exemption bill of the Legislature,) a right attaches and the law says vested rights cannot be destroyed. But the Confederate army seems to be the great bugbear with Adjutant General Fowle, as if there was any other army, while in fact our military forces are ECCREB will turn up, but not to retrieve himself as Mc- but the militia of the several States, called into actual service during the war, directly by the President, as in the case of conscription, or indirectly as when he makes a requisition upon his agents, the Governors of the States, which will be plainly seen by he following authorities, to wit : Militia, Military service. The soldiery of a country, as distinguished from the standing military force, consisting of the able The wires have been down both North and South since | bodied male inhabitants of a prescribed age, &c., &c., "DOUBLE PORTION."

June 20th, 1863

"See Order in Weekly Journal, 4th inst. †See Fagetteville Observer and Raleigh Progress.

The Volunteer Navy. Does not the excitement caused recently by two of our ships on the Abolition coast, and the terror their gallant deeds seem to have produced in the hearts of the dwellers in sea coast towns indicate that a vulnerable spot in the Yankee national body, is receiving a possess it. serious wound? England boas ed of her "Wooden Walls," and surrounding her rock bound coast with those walls, bid defiance to Europe, but our enemies have defied us affoat, only because we had no ships, with by the Act establishing the Court. Rev. Code, chap-

which to contest their right to the ocean. worthy to defend it.

Congress, during the last esseion, passed a bill to to carry out their desires.

that those engaging in the enterprise (beside the feeling | usages of law.' mails and no Northern mail. "Ah don't mingle !" We won't of patriotic pride ever found in the hearts of those serving their country) will receive a liberal pecuniary re | inferior ones to enable the Court to exercise its jurisward for their efforts-90 per centum of the value of diction, for instance, ad testificandum-to bring a man large and small, may unhesitatingly follow, assured of THE Chattanooga Rebel remarks upon the extensive and prizes sent into a Confederate port, and 25 per centum out of jail to be a witness; and the great Writ of Right, prize money by the Bill, will remunerate the owner before the Court with the cause of his arrest and deten-Urchin .- "Ma, did General Mitchell, the astronomer go much more than running the blockade, and the risk is tion, that the matter may be inquired of and the party much less. The officers and crew have all the advant | set at liberty if imprisoned against law. This proceedage of being in the regular Navy, such as being prompting is original and in nowise connected with or depend- known to the initiated, of preserving them, as well as ly exchanged if captured, whilst the reward of prize ent on any other matter over which the Court has ju- the ships abroad, so that besides present gains, large conscription in the North. money is more liberal and the chances for promotion risdiction. are greater-being dependent on skill and daring rather The question is : Does the Act restrict the power of

Each victory gained by our army in Virginia adds ry. Her sailors new can have an opportunity to rival the writs before specified were intended to be of the him to keep them rotting in port, which will be as harhim. Les is stronger now than he was last time. Hockes Southern sailor, now running the blockade, in which is weaker than McClellan was. The situation is an ex- there is just enough danger to make it exciting—or in tions are urged in reply: In strict grammatical conciting one to all concerned. It is of deep and painful in. the army, would eagerly avail himself of a chance to struction, the restrictive words "which may be proper the brave and the patriotic, and we sincerely hope milserve where glory and prize money could be won.

Eis: Will you please inform your many readers if the afloat, under the command of determined men, a

The Invasion of Yankeedom. We append Lincoln's Proclamation calling for vol

unteers to repel invasion : ia, Pennsylvania, and Ohio, requiring immediately an additional military force for the service of the United States: Now, therefore, I. Abraham Lincoln, President of the Army and Navy thereof, and of the militia of the several States when called into active service, do hereby call into the service of the United States one hundred thousand mi-

litia from the States following, namely: From the State of Maryland 10,000.

From the State of Pennsylvania 50,000. From the State of Ohio \$0,000.

From the State of West Virginia 10,000. To be mustered into the service of the United States forthwith, and to serve for the period of six months from the date of such muster into said service unless sooner discharged. To be mustered in as infantry, artillery and cavalry, in the proportions which will be made known through the War Department, which Department will also designate the several places of rendezvous. These militia to be crganized according to the rules and regulations of the volnuteer service, and such orders as may hereafter be issued.

The several places of rendezvous. These militia to be crture—its duty—the object in view and the nature of
the subject—the conclusion is irresistible, that it was
the intention to give the Court power to issue the great The States aforesaid will be respectively credited under the enrollment act for the militia service rendered under In testimony whereof I have herewith hereunto set my

hand, and caused the Seal of the United States to be affix-

ABRAHAM LINCOLN. By the President :

Wm. H. Seward, Secretary of State.

Opinion of Chief Justice Pearson,

This conclusion is put on two grounds : 1st. The Court has jurisdiction by common law -The laws of our State rest for a foundation upon the com- jurisdiction is conferred. Davis. + So they will, unfortunately, fare badly any mon law of England It is an admitted principle of the who hired substitutes under forty-five years of age.)— to the condition of any of his subjects. As this duty And for what? Just merely to jump out of the fry- of the King in regard to any of his subjects confers on ing pan into the fire; to be drafted again by Governor every Cours of Record of superior jurisdiction the pow. jurisdiction on the Supreme Court to issue the writ and Vance, when President Davis calls on him for more er to issue the writ as incident to its existence, it foltroops. Our Constitution says that no person lows that the duty of the State of North Carolica in question does not confer the power, no reason can be speak, but it we said its effective force was double that shall hold more than one office of honor or profit regard to its citizens must confer a like power on all of assigned for the omission; unless it was the opinion of of the expeditionary column of last year, we think we at one time, why then should any one be forc d to oc its Courts of Record of superior jurisdiction, an incicupy two positions at the same time, where there is dent to their existence; for surely, under our Constituhundred thousand, or will have that many men, and the honor, but no profit—ore by proxy, the other personal- tion and Bill of Rights, in which is reiterated the great enemy is nearer right than usual. He has a sufficient num- ly. Adj't Gen. Fowle says, that as the legislature did principle of Magna Charta, "every free man restrained and Bill of Right's. take it that the legislature intended that they should per- and such remedy ought not to be denied or delayed "-- the Supreme Court could not otherwise be fulfilled, and

> Our Constitution vests the legislative power in a General Assembly, the Executive power in a Governor, and the Surreme Sudicial power in a Supreme Court; so that the establishment of a Supreme Court, without any words to that effect, necessarily and as an incident to its existence by force of the Bill of Rights, of the Constitution and the principles of the common law, invests it with power to inquire by means of this great Writ of Right in o the lawfulness of any restraint upon the liberty of a free man, and if, in establishing a Supreme Court, the Legislature had in express terms denied the Court the power to issue this Writ and prohibited it from so doing, such prohibition would have been void and of no effect.

act in term time, and a free man might be unlawfully had not been given to the difference between the two delayed, and to provide the means of speedy inquiry may be derived. The Supreme Court of the United Chas. II, that every Judge of all the Courts of superior the common law. Its jurisdiction must rest solely on made good his escape, with a small body guard, leaving which is exceedingly disagreeable. jurisdiction, on the application of any person imprison- acts of Congress, and the power of Congress to confer some hours in advance of his men. To tell of the a right attaches, on account of a consideration, no pow-er can divest it, and certainly whenever a militia-man, chall in the received time acts of Congress, and the power of Congress to confer some final many outrages of this vulgar, brutish, thieving devil shall in the vacation time, under a penalty of five hun- States. It can have no power except that which is would fill a book, so I will not attempt it, at least dred pounds, grant a Writ of Habeas Corpus, returna- conferred by the constitution, and by it the power to in this communication. From the best information ble without delay, and by 56 Geo. III it is enacted, that establish a Supreme Court is restricted to a court of I could get the Yankees had about five thousand all of the Judges shall, in the vacation time, under a appellate jurisdiction, except in cases affecting embaslike penalty, in the same manner grant the Writ on the sadors, &c Art. 3, sec. 2. application of any person imprisoned or restrained of The very reverse of all this is the case in respect to and fifty wagons) beside all of their small arms, artilhis liberty for any cause other than a criminal charge. the Supreme thours of the State. It may derive juris- lery, ammunition and commissary stores. The amount So in England any person, whether imprisoned on a diction from the principles of the Common law. The captured is much greater than ever before at this place, criminal charge or restrained of his liberty for any power of the Legislature to confer jurisdiction is unlim, other cause, had a right during the sitting of the ited, and there is no reason why it should not, if deemed escape by firing anything. General Ewell, by his Courts, by application to the Court, and during the va- expedient, have established a Supreme Court with full | masterly strategy in completely investing the place becation by application to any one of the Judges, to have original ju is liction, or one with jurisdiction partly ori- fore the enemy had a suspicion of his whereabouts, has the cause of his being imprisoned or restrained of his ginal and partly appellate. liberty inquired into without delay.

mander and chief of the army and navy, and of the mi- the Supreme and the Superior Courts had power in supports the conclusion to which we have arrived. litia of the several States when called into actual ser- term time to issue the Writ, and the intention was to Mr. Strong also cited the case of Jones vs. McLaur-THE Telegraph, so far, (10 a. m.) has brought us nothing vice, Governor Vance's authority must be subordinateto extend the remedy to the vacation. This must be a deadditional, of importance. We see that one part of the President Davis', and a discharge from the latter should claration by the Legis'ature of the fact that both the and the Court decide that it has not jurisdiction, be- army. We will, if desired, communicate later news as satisfy the demands of the former, and work a complete Supreme and the Superior Courts had power to issue cause the ser e facias as there used is in effect an action land and Central Pennsylvania, has been effected in the de- discharge, as it did in England at common law. But the Writ, or we must adopt the absurdity, that the of debt, in respect to which the Court has only appelthen cold about these discharged militia men, then for tion a power which the Court did not possess in term plainty distinguishable. The Haleas Corpus cum causa kinds, we reserve for a future communication. time, and we can only account for the fact that while is totally distinct in its nature from any action at law. the Courts, upon the ground that it was taken for itself. granted that our Courts, like those in England, already had the power; lor under the unrestricted Legislative power of the General Assembly, it not only had the power, but it was its duty by the Constitution and Bill

2d. Suppose for the sake of argument it was necessary that the power should be conferred on the Supreme Court by statute, we are of opinion t at it is conferred ter 33, sec. 6. It is in these words: "The Courts Semmes, Maffitt, and a few other gallant spirits have shall have power to hear and determine all questions of shown what can be done by brave seamen affoat, for law brought before it by appeal or otherwise from a their books are opened at the Banking House of R. still in defiance of the boasted Abolition Marine supe- Superior Court of Law, and to hear and determine all riority, our flag proudly floats over those true hearts so cases in equity brought before it by appeal or removal from a Court of Equity, and shall have original and exclusive jurisdiction in repealing letters patent, and Now, and in this enterprise, is the best opportunity provide for a "Volunteer Navy," giving to those will shall also have power to issue writs of Certiorari, scire that has occurred since the war begun for capital to ing to aid their country on the ocean an opportunity facias, Habens Corpus, Mandamus, and all other writs which may be proper and necessary for the exercise of At the same time the provisions of the Bill are such its jurisdiction and agreeable to the principles and

There are several kinds of writs of Habeas Co. pus :

than a good digestion. To dashing seamen this service | the Court to Writs of the inferior sort, or does it confer power to issue the great Writ of Right?

to the glory of the old North State, for her brave sons | the words "all other writs which may be proper and ne- his commerce, the second in the world, from the ocean, have on every battle field been conspicuous for gallant- cessary for the exercise of its jurisdiction" show that either capturing or destroying his ships, or compelling the heroic deeds of her soldiers. Many a true hearted same kind and must have the effect of restricting the rowing to his soul as are the sufferings—to him—of the power to write of the inferior sort. Several considera- "toad under a harrow." and necessary for the exercise of its jurisdiction" refer lions of capital will be raised here in Richmond-nay, Can not Wilmington set the example and place to the last antecedent "all other writs," so as to make more—that every county and considerable town may the true reading (supplying the clipsis,) "and shall also have power to issue all other writs which may be proper and necessary for the exercise of its jurisdiction." This as to know and feel the joy of being instrumental in further reply is made : If the intention was merely to dealing destruction to the dearest interests of the foe. give power to issue the inferior writs necessary to the Whereas, the armed insurrectionary combinations now exercise of its jurisdiction, (which power every Court existing in the several of the States are threatening to in fact has, by implification,) it was sufficient to say, make inroads into the States of Maryland, Western Virgin- "and the Court may issue all such writs as may be necessary for the exercise of its jurisdiction." Instead of may set affoat under this most opportune and well conthis simple clause immediately following the grant of sidered "Act to establish a Volunteer Navy." United States of America, and Commander-in Chief of the original jurisdiction to repeal letters patent comes this formal announcement : "and shall also have power to issue writs of certiorari, scire facias, Hubeas Corpus, Mandamus." Why this formal announcement of a substanparticularly named, if the object was merely to authorize the Court to issue the interior sort of Writs?

In questions of this kind, the Court is not confined to the narrow field of the import of words, construction of sentences and rules of grammar, but may draw to its aid considerations of a more comprehensive nature, and if due weight is given to the power of the Legisla- for full rations for two months, and with proper econoture—its duty—the object in view and the nature of my can be made to last three months. the intention to give the Court power to issue the great " Writ of Right."

The power of the Legislature in respect to the jurisdiction it was about to confer on the Supreme Court | tuous test " advocated by a Georgia contemporary : then to be established, was unlimited—it had the same

power to confer original as appellate jurisdiction.

It was the duty of the Legislature under the Bill of thing, never told a Rights and the Constitution to provide in the most so help you God. ample manner for the protection of the liberty of "all free men." The object in establishing a Supreme The excesses of our youth are drafts upon our old age, Court was to provide the Tribunal best calculated to payable with interest about thirty years after date.

secure uniformity and correctness of decision in respect In the Supreme Court of N. C., on the Jurisdiction to all questions involving "rights of persons" and MESSES. EDITORS:—In times like these, it is well of that Court in cases of Habeas Corpus.

This it was supposed could be accomplished by a Court composed of three Judges.—

The description of the term, the Judges requested complished by a Court composed of three Judges. cur to first principles and see that justice is administer the members of the Bar to investigate the subject and From the nature of the subject, in actions at law and ed in accordance with the Constitution, the chart of give their opinions and their reasons for them pro or indictments where the facts must be tried by a jury, it GENERAL LEE's movements are enveloped in mystery our liberties, and, if it be necessary, to scrutinize the con, on this question : Has the Court jurisdiction to was seen to be impracticable for the Supreme Court to Alike to cursel ves and to the enemy. That he is bound to strike, or attempt to strike an important blow seems evistrike, or attempt to strike an important blow seems evident, and we think he will succeed. That blow will not be law, is preserved; for Blackstone has truly said that the law, is preserved; for Blackstone has truly said that the weakened or diverted by any such weakness as would con- law is the greatest inheritance the King hath—for upon and Wins on in law of Mr. law by way of appeal. In suits in equity, where, allaw is the greatest inheritance the King hath—for upon it rests his official existence. Thus an order has lately Strong against it, and the subject has been fully dis though the facts are sometimes complicated, the mode his troops for the purpose of committing raids in Pennsylbeen issued by Adjutant General Fowle, saying that he cussed. After giving it due consideration, we are of of trial is by the Court, it was deemed expedient that the proceedings should originate below and then be brought up by appeal or removal after being set for hearing. So in respect to these remedies only appellate

> There remained a fourth distinct and important subject of jurisdiction, to wit : the writ of Habeas Corpus cum causa. From its nature no complicated state of facts can be presented, so that consideration presented Supreme Court. While on the other hand, as all of the Judges of the Supreme and Superior Courts had power to issue such wri's and decide upon the lawfulness of the impressment, in order to prevent conflict of decision and utter confusion and chaos, and to give uniformity and correctness to d c sions involving the liberry of the citizen, the necessity of conferring original decide on the right was patent; and, if the Statule in the Legislature that the power would attach to the Court as soon as it was established as an incident of its existence, upon the principles of the Common law Yankers, who had fled there for safety. They were

The Legislature bad full power. It was its dutythere was a patent necessity—the object in establishing the Court has the power, either on the ground that the Statute confers it, or the ommission to do so is a legislative declaration that the Court possesses the power as

incident to its existence. On the able argument with which we have been favored by Mr. Stong, he called attention to the fact that the act of Congress, 1789, establishing the Supreme Court of the United States, used nearly the same language as the act of the Legislature establishing the Supreme Court of this State, and that in the construction of the act of Congress, the Supreme Court of the United States have decided that the Court cannot issue the writ of Habeas Co pus cum causa except where the writ is incident to an appellate jurisdiction

That is true, and it seems to account for the general impression which has prevailed in this State against the power o' the Court. The fact that so many appli-Our conclusion that the Supreme Court has power to cations have been made to the Judges for writs of issue the Writ is confirmed by a consideration of the Habeas Conpus, during the last few months, has directed provisions of the Habers Corpus Act, Rev. Code, attention to this subject, and a closer and more serious Chap. 55. It is taken from two English Statutes 31 invest gation than the subject had before received re-Charles II and 56 Geo. III . We have seen that ail of sults in the conclusion that the Court has the power, the Superior Courts of England had power by the com- and that the erroneous impression which had prevail d mon law to issue the Writ, but the Courts could only is to be ascribed to the circumstance that due weight into the cause of imprisonment, it is enacted by 31 States can derive no jurisdiction from the principles of where they now are. But, sad to say, Milroy tho brute, are making demonstrations above and below Memphis-

In the Opinion of Judge Marshal, ex parte Bollman,

Our Habeas Corpus Act, as before observed, is taken 4 Crench 93, 2 Curtis 24, a full and critical examinafrom these two English Statutes, and not only gives tion is made of the act of Congress, and he comes to the tal Jackson. Jackson, doubtless, would have taken power to, but requires, under a penalty of twenty-five | conclusion, that by its true construction it would geonhundred dollars, any Judge of the Supreme or Superior | fer on the Supreme Court jurisdiction to issue the writ Courts in the vacation time, to issue the Writ of Ha- of Habeas Corpus cum causa, but for the fact it was to of lives. Ewell captured everything but Milroy, with beas Corpus on the application of any person imprison- be construed in reference to the I mited power of Coned on a criminal charge or otherwise restrained of his gress. Our act, on the contrary, is to be construed in reference to the unlimited power of the Legislature, and It is manifest that this act pre-supposes that both in this view the Opinion of Judge Marshall strongly

giving this power to the Judges in vacation, the Leg- or preceeding in the nature of an action, or suit in equi-

Cur conclusion is, that the Court has power to issue writs of Hubeas Corpus, returnable to the Court, and thereupon to inquire of and decide on the lawfulness of and restraint put on the liberty of a citizen. This thority, or by color, of an act of the Congress of the Confiderate States. That question may be the subject of future consideration.

R. M. PEARSON.

The Volunteer Navy. We with pleasure call attention to the advertisement of the "Virginia Volunteer Navy Company," that H. Maury & Co, for subscription.

We are glad to see the response to the Volunteer Navy scheme by the leading capitalists of the city .multiply itself and at the same time to strike the ene my; and the names who lead herein show that high patriotism and great gain are conjoined and consistent .-Where such houses as Dunlop, Moncure & Co., Joseph R. Anderson & Co., Bacon & Baskervill, Purcell Ladd & Co., R. Maury & Co., &c., lead, all capitalists, the excellence of the aim and the feasibility of the enif goods bought at road and run through the blockade flict! Upon this issue depend: be very profitable, those captured and brought in must be much more so. Besides there are many modes, Federal army in the West. wealth, as well as the nucleus of a much needed mercantile marine, can be seen looming up in the future. | peace party.

In support of the first construction, it is urged that can neither parry nor return the blow. We can sweep

Witness the accounts, in our yesterday's issue, taken from Northern papers, of the injuries to Yankee commecre by our men-of-war already at sea and imagine presence of an invading army. the devastation that can be wrought by the swarms we

VICKSBURG .- A gentleman who arrived here vesterday from General Johnston's headquarters at Canton, Miss., represents the most perfect accord between Gentive grant of power? And why are there four writs eral Johnston and General Pemberton. The latter was in no hurry for General Johnston to move forward, but preferred that Grant should remain where he is and continue his ineffectual assaults. When the proper time arrives the signal will be given, and sanguine expectations are entertained of one of the most brilliant triumphs of the war. General Pemberton has provisions

Charleston Coarrer.

The "Countryman" gives the following as the cath to be administered to all voters under the vir-You do solemnly swear that you have never perjured yourself, never committed adultery, never stole anything, never told a lie, and never played the demagogue,

Correspondence of the Richmond Whig. THE CAPTURE OF WINCHESTER.

FULL AND GRAPHIC DESCRIPTION OF THE VICTORIOUS

WINCHESTER, VA., June 17, 1863. As the readers of the Wbig may feel some interest in the news from this place, we will attempt, although prostrated upon a bed of sickness, to give the latest and most correct news :

On Saturday morning last, the hearts of our oppressed and down trodden people were made joyous by the sound of Southern cannon as it came booming upon their astonished ears; gradually it advanced nearer from Chambersburg, which states that Jenkins was at and nearer, driving the accursed fiends, who for months back have been holding high carnival in our midst .-By one P. M., our skirmishers could be seen advancing from point to point, the Yankers falling back as their masters advanced; by night the Yankees had been driven in on all sides, and we then felt certain that our. deliverers had come in sufficient force, and that the town was indeed invested on all sides. On Sunday morning (always the day of our deliver-

once, this being the third time,) the firing commenced bright and early between the skirmishers upon the paroled the sick soldiers in the hospitals, and took a few edge of town, the Yankees making free use of their ar- horses and left. illery, whilst we were unable to repay in kind for lear of destroying the town. The firing upon our side was very slow up to 4 P. M., as we rightly and negroes are freely impressed for throwing up fortified conjectured in order to gain time to secure certain po- tions at Baltimore. sitions to the North of the town; thus effectually cut- Nothing definite has been received of the movements ... ting off all chance of escape. Just at this time our position of Gens. Lee and Hooker. artiflery, the Baltimore Battery, advanced and took position on the high hill West and South of town .-From this position they commenced shelling the first line of fortifications North of town, then filled with soon shelled out of this slaughter pen, when they fled to the great, and, as the Yankees said, "impregnable tortification," a quarter of a mile further, on the same range of hills North of town; but they had only escaped from the pan to the fire, for now commenced the most terrific cannonading we, at least, ever heard -Early had secured his position to the North and West, are felt in official circles, and efficient measures have have and the concentrated fire of all was directed to the en- taken to repel an advance, if attempted. tire mob of Yankies, all now collected in the space of DESTRUCTION OF WORKSHOPS, LOCOMOTIVES, A. four acres, with no protection from the bursting shells, as they dropped thick and fast amongst them. This was kept up until night, dark night, closed the glorious

Just here we must say that it never was our fortune to see a bettery so skilfully handled as the Baltimore Battery; from first to last it maintained its position, receiving the fire of the siege guns urdismayed, and iron bridge was knocked to pieces. This is the greater seeding back from its magnificent guns shell after shell, blow of the kind we ever gave them. that was landed in the very heart of the fort. All honor to this glorious battery. We do not write this to praise a friend, because we do not know one member of the company, but having witnessed their heroism in receiving the enemy's fire, and the skill with which they sent the r death-dealing missiles, we feel that it is due On Monday morning, at day-dawn, a heavy infantry fire was heard just North of town. We soon found the fortifications had all been abandoned, and the Aboli-

tionists were striving to make their escape; but it June 24th, says that eighty-three prisoners, taken by that and brought back and placed in the fortifications, The Memphis Bulletin, of 18th inst., says that the rebels infantry here (eleven regiments,) all of whom were captured, with all of their trains (some two hundred as they were afraid to give notice of their intended completely won the confidence of our people, who were not prepared to believe that any one could fill the place in their affections made void by the death of the immor-Winchester a day sooner, and thus have secured Milroy, but in doing so he would have sacrificed hundreds not a loss of over forty killed and wounded.

The latest news from below is, that we have possession of Martinsburg, with captures more valuable even than these taken at this place, and that our army is are gnarded by infantry. No train expected from above about crossing to Maryland. We have many fears, if this evening. this be so, that the excitement North will do what their conscription officers never could-warmly fill up their received here, from time to time. Of the occupation of this place by Milroy, his brutal treatment of the people,

LATER. - Jenkins is in Chambersburg, Penn., Gene. islature did not in express words confer a like power on ty, or indictment, and is put us on grounds peculiar to rel Rhodes at Hagerstown, and Longstreet on the Maryland Heights, at Harper's Ferry.

THE ATLANTA - Letters from the officers and crew of cles. The citizens are quiet and ready. the Atlanta to their relative: were received here on Thursdas morning. They were brought and delivered under flag of truce from Commodore TURNER, command ng the Blockof Rights to confer this power on both the Supreme opinion does not affect the question of the jurisdiction ading Equadron of this harbor. From them we learn and Superior Courts, if the Courts did not already of a State Court where the arrest is justified on the au- some particulars of the surrender of the unfortunate vessel into the hards of the Yankees. The Atlanta was engaged by the Ericsson monitor Weehawken. The latter fired fifteen inch shell, and struck the Allanta three times in sucession. One shell struck the pi of house, completely demolishing it, and wounding the Phots HERNANDEZ and AUSTIN one of them badly. The vessel then grounded, when an. other shell struck one of the large shutters to a port hole, piercing it through an through, and shattering it to pieces. Two officers were slightly wounded by this shell. In this position, with the vessel aground and every shot

perforating the iron and wood works and passing through per, further resistance was deem useless, and Capt. Wars to save life, concluded to surrender. The officers and crew of the Allanta were transferred to the U. B. frigate Vermont, and at the date of the letters,

June 20th, expected to leave for Philadelphia it the James Adger next day. the letters speaks of their treatment as being very kind. every attention being given to their comfort ane all their

wants provided for. The Navy officers are represented as

If the Southern people comprehend-but they do not comprehend—the consequence of failure, and of success in relieving the Vicksburg garrison, to man who could handle a gun, and shoot one Yankee, not been elsewhere in ranks, would stay away from the scene of con-1. The utter demoralization and dispersion of the

2. The success or ultimate failure of the Federal

3. The supremacy, or annihilation of the Northern

5. The close of the war, or its indefinite prolonga-If Vicksburg fall, there will be hundreds of thousands at the North who will gladly enter the army for the

sake of coming South to plunder us. The North will turn loose its countless hordes of thieves and assassins upon us, who will not fear hard fighting and slaughter, but will be lured by the property that may be taken at will from defenseless families and communities. If Grant's army is beaten back, conscription at the

North becomes impossible. The thieves will not seek death at the South, when plunder is not practicable. Southern independence-will prevail over all other or on parole. cries; and Lincoln must succumb or face revolution .-Mississippi and the South will be freed from the Mississippian, 17th inst.

Gen. Ewell's Congratulatory Orders,

HEADQ'RS 2D CORPS. June 13, 1863. General Orders, No. 44.

The Lientenant General Commanding asks the men thanks to our Heavenly Father for the signal success with which he has crowned the valor of this command. In acknowledgment of divine favor, chaplains will hold religious services in their respective regiments at such times as may be most convenient. With wonderfully small loss-less than 300, killed, wounded and mitsing-we have carried strong works, defended by an abundance of superior artillery, capturing over three thousand prisoners, and large quantities of military stores and supplies. Such a result should strengthen inspired every effort of our troops. By command of Lieut. Gen. R. S. EWELL.

(Signed,) Lieut.
A. S. PENDLETON, A. A. G. Among the court martial orders published in the Louis-Among the court martial orders published in the Louisville Journal of the 6th, the names of several guerrillas occur who were sentenced to be "shot to death," merely because said guerillas attacked Federal property within Federal lines. Yet Yankee Streights, Griersons, et id omne
genus, make raids into our lines, murder our people, insult;
rob and devastate, and then, when caught, are treated as
mother.

Her religion did not forsake her in the last, trying hour.
She bore her sufferings as a Christian should, was resigned
to her Master's will. His rod and His steff they of miorted
her when she passed through the valley and shadow of
Death, and she did not fear. A husband and five children
remain to mourn the loss of an affectionate wife and loving

TELEGRAPH.

FOR THE JOURNAL.

NORTHERN DATES-CONFEDERATE ARMY IN MARY LAND AND PENNSYLVANIA.

RICHMOND, June 25th, 1863 The Baltimore American of the 22nd inst., has been ...

received The Harrisburg Telegraph of the 21st says that the ret. els, reported forty thousand strong, are at Hagerstown, for tifying. The troops at Harrisburg are expecting marchine orders immediately. Gov. Curtin has received a depatch Waynesboro' last evening, and has been plundering house among the mountains.

Gen. Conch has received a dispatch confirming the tener of rebel cavalry at Gettysburg. The force that went to McConnellsville helped them selves to whatever they wanted in the stores, collected .

large number of cattle and horses, and moved off toward. Hancock. A small mounted force rode into Frederick, took and

I o attack so far on Harper's Ferry. Three thousand laborers have been called into service

THE YANKEES WHIPPED OPPOSITE BATON ROUGE OSYKA, June 25th, 1863. Gen. Taylor fought and whipped the Federals opposit Baton Rouge on Sunday.

FROM RICHMOND-YANKERS AT WHITE HOUSE RICHMOND, June 25, 1807

pickets advanced as far as Tunstai's. No apprehensions BY THE CONFEDERATES. RICHMOND, June 25, 1863 Gen. Imboden has destroyed all the workshops, machin

Ten transports appeared at the White House this morn

ing. A small force was landed, and it is reported that there

from the Little Capon, some distance West of Cumberland ard the immense tunnel, have been destroyed. The great

ery, locomotives, and cars at Cumberland. Every bridge

GRIERSON AGAIN WHIPPED-ARRIVAL OF PRISON FRS-CONFEDERATES OPERATING ABOVE AND BELOW MEMPHIS. JACKSON, June 25th, 186 Col. Lyons, commanding the cavalry outside of Port Had son, attacked Grierson in the rear of Banks' army on ves terday, capturing fifty prisoners and 59 wagens; also

A special dispatch to the Mississippian, dated Grenada

VIRGINIA ELECTION, &c.

RICHMOND, June 26th, 1863. Official returns of the Congressional elections in this State, show the re-election of eight Representatives : Bocock, Goode, DeJ arnnette, Baldwin, Staples, Miller, Johnston and Russell.

The Secretary of the Treasury advertises for hids for the purchase of five millions six per cent. cotton bonds with coupons, payable in cotton under the act approved Apri

No war news this morning.

putting the remainder to flight.

THE YANKEE RAID TOWARDS RICHMOND.

RICHMOND, June 26th, 1863 Information has been received that three regiments of Yankee cavalry, with two Howitzers, left Tunstal's last evening. They appeared in Hancver County this morning, and fired on the material train of the Central Railroad. The Engineer reversed the train and escaped.

The Yarkees have possession of the Central Road and

will doubtless proceed against Ashland. The Telegraph

wires were cut this forenoon. The bridges on both reads THE YANKEE RAID. RICHMOND, June 26th, 1863.

The Yankee raiders reached South Anna Bridge, on the Central Railroad, at two o'clock, and were resisted by the The telegraph is working feebly on the Fredericksburg Road to the Junction.

The enemy burnt barns and attempted to destroy the crops in their progress through the country. They also stole horses and all movable property in their proximity This raid has occasioned no apprehensions in official cir

FURTHER FROM THE YANKEE RAID.

RICHMOND, June 26, 1863. The Fredericksburg Road can be used from the junction A train on this Road arrived this morning at four o'clock from Taylorsville, and brings a report that a body of Yan kees have crossed the Road in the direction of the canal. Before burning the bridge the enemy tore up the track some distance near Hanover Court House.

After the bridge was destroyed, they started in the direc tion of the bridge on the same stream on the Fredericks. burg road, but being informed by citizens that a large Confederate force was at that point, they returned to Han over Court House. It is reported that only two gunboats were at the Wh.te House on yesterday. No yankees are

PARTICULARS OF THE YANKEE RAID-CAPTURE OF GEN. W. H. F. LEE-FROM WINCHESTER-EX-CITEMENT IN WASHINGTON CITY. RICHMOND, June 26th, 1863.

We had but eighty men at South 'Anna bridge on the Central Rail Road. The Yankees, fifteen hundred strong. with two pieces of cannon attacked them at two o'clock, and captured the larger portion of the guard; six of them were killed and fourteen wounded. The resistance was desperate. The Yankees then burned the bridge and next proceeded to Col. Wickham's, burnt his barn and took off all his Horses, and carried off Gen. W. H. F. Lee, who was wounded at the battle of Brandy Station. Our wounded they paroled and left at Hanover C. H.

from which point it is reported that the / proceeded in the direction of White House. They had two hundred and As to the patriotic motive, it is in this warfare that 4. The power, or utter prostration of Lincoln's eighty-five mules, which they had stolen during the forarthe distruction of the bridge will not interrupt Rail communication with the Valley. Parties who have come through the lines since the cap

ture of Winchester, represent the alarm at Washington from Lee's advance as great. Every man is being burried forward to defend Washington, and the whole city is in great excttement. The flag of truce boat, due since Tuesday, has not yet

arrived. The whole number of prisoners received from the Valley

of Virginia is 3,550. Several thousand more are to come. It is stated that the Confederate Government is now some The cry for peace upon any terms—even those of thirty thousand shead in the matter of exchanged pri oners

The pressing of negroes into service in Nashville, must be creating quite an excitement among the American citizens of that city of 'African descent.' One of the Yankee editors now in Nashville, a few mornings since, was in Parrisce's shaving establishment, sing was going on. Instantly the sweetened water complexioned negro, who was attending to tonsorial wants, made for the bath room, Mose fainte and fell into the looking glass Ned tipped over a glas sulphur water into a gentleman's bosom, while the propri-etor, who has traveled all over Europe, Asia Africa and and officers of the corps to unite with him in returning New Jersey, companied of a sudden attack of rheumatism. At last accounts how-ever all was quiet on the Po-ma-

MARRIED.

In this town, on the 24th, inst., by Rev. A. Paul Repiton Mr. WM. SWAIN to Miss BESBY CHASEN

DIED.

In Fayetteville, Friday, 19th inst., Captain BENJAMIN stores and supplies. Such a result should strengthen RUSH, Een'r, in the 66th year of his age. He was born in the reliance in the righteousness of our cause, which has New Jersey, but had resided in this place for the last 40 years. Modest and unassuming in his deportment he was much respected by all who knew him. In Brunswick county, on Sunday, 21st of June, after a

brief but painful illness, SARAH, wife of John Biggs, aged 49 years and 25 days. Her religion did not forsake her in the last, trying hour